HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:12524 OF 2007

Dated: 18.06.2007

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Between:

1. P.G. Phaneendra Sharma and another

..**Petitioners**

And

1. The District Educational Officer &
   Convenor, DSC 1996, Anantapur, Anantapur District and others.

..Respondents

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:12524 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed seeking a direction to call for the records pertaining to the judgment dated 4.5.2006 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.8669 of 2003 and to set aside the same and also to consider the case of the petitioners for appointment to the post of secondary grade Teacher pertaining to the District Selection Committee 1996 with all consequential benefits.

The petitioners herein are the applicants before the Tribunal.

Originally, the petitioners herein filed O.A.No.8669 of 2003 seeking to declare the action of the respondents herein in not considering their cases to the posts of secondary grade Teachers according to their merit in the vacancies available viz., 29 vacancies, which carried forward due to non -availability of women and BC candidates of 1996 DSC as illegal and to direct the respondents to appoint the petitioners as Secondary Grade Teachers with all consequential benefits.

The tribunal dismissed the above O.A. along with other O.As observing that in pursuance of the Tribunal orders in O.A.No.5087 of 1994, dated 2.1.1995, the respondents prepared a General Merit list and accordingly, OC vacancies were filled up basing on the rank obtained and for remaining reserved categories, a separate merit list was prepared and they have strictly ordered appointments on merit in the respective categories and that non-local selection was restricted to the extent of 20% which is as per rules. It is also observed that as there is reservation for Women candidates, the said vacancies are filled up strictly in accordance with merit among Women candidates. The applicants being Male candidates, cannot compare themselves with Female candidates. The last candidate selected in the OC (Male) category has got the marks 63.75 whereas the applicants have got less marks as well as less rank and hence, they could not come up for

consideration for appointment. It is also observed that the respondents in pursuance of G.O., issued by the Government, which was communicated by the Commissioner and Director of School education, the vacancies, which were obtaining as on 12.6.1992 were taken into consideration, wherein 81 secondary Grade Teacher vacancies were added up and the selections have been finalized basing on the merit list.

Having aggrieved by the same, the present writ petition is filed.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Education.

It is the case of the petitioners that the respondents kept 29 vacancies, which were carried forward due to non-availability of BC and Women categories, in tact and rejected the cases of the petitioners on the ground that they have not come up for consideration according to their merit and the said action of the respondents is illegal as the last selected candidate's rank is 1057 and their ranks are 1392 and 1128 respectively.

A perusal of the order tribunal goes to show that the said vacancies reserved for women candidates were filled up in accordance with merit among women candidates and the last selected candidate in the OC category has got marks 63.75 whereas the applicants have got less marks and less rank. It also further goes to show that the vacancies, which were obtaining as on 12.6.1992 were taken into consideration and the selections have been finalized basing on the merit list.

The main thrust of the argument of the learned counsel for the petitioner is that the tribunal has not considered the Government Memo No:8635, dated 5.11.1997 where under the Government proposed to fill up the vacancies up to 12.6.1997. It is pertinent to note that the judgment in the O.A. was delivered on 14.5.2006. If that being the case, it is not known as to how the Tribunal can forecast the issuance the said Government memo.

In view of the fact that the selections have already been finalized by the time of judgment of the O.A., dated 14.5.2006 and since the present writ petition is filed in the year 2007 nearly after a period of one year against the judgment in the O.A. that too mainly and solely resting their claim on the subsequent events, which lead to raise a separate cause of action, We feel that the cause in this writ petition does not survive for any adjudication at this length of time and therefore, this writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 18th June, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:12524 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

18/06/2007

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